

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No.74774

Harley Schapiro
Nancy Schapiro

1929 Stanhope Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on May 19, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-305; 13-7-306, failure to exterminate and eradicate rat harborage under shed on residential property known as 1929 Stanhope Road, 21222.

On May 6, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Jerry Chen issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$500.00 (five hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on March 29, 2010 to exterminate and eradicate rat infestation and rat holes under shed. This Citation was issued on March 6, 2010.

B. Photographs in the file show rat holes in the ground along Respondents' fence and shed. County law requires a property owner or occupant to treat a rat infestation until the rats are eradicated. BCC Section 13-7-305. County law also requires property owners and occupants to remove and abate rat harborage, including closing rat burrows. BCC Section 13-7-306.

C. Notes in the file show that Respondents have hired a professional exterminator to install bait stations. A receipt was provided to the County on May 18, 2010 showing that two exterior tamper-proof bait stations have been deployed in the back yard. Because compliance is the goal of code enforcement, and Respondents are working to eliminate the violations, the proposed civil penalty will be rescinded if the violations are corrected. However, Respondents must continue to treat the infestation until it is abated, and then are required by law to rat-proof or remove the shed. County Code Section 13-7-307. Periodic inspections should continue until the rat infestation is fully abated, holes and burrows are closed, and the shed is removed or rat-proofed.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by July 30, 2010, with the rat infestation exterminated and rat harborage eliminated.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

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IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 26th day of May 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

MZF/jaf